

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KAREEM HASSAN, individually and on behalf  
of all others similarly situated,

Plaintiff,

-against-

FORDHAM UNIVERSITY,

Defendant.

Case No.1:20-CV-03265 (LTS)  
(BCM)

Date of Service: September 4, 2020

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**DEFENDANT'S NOTICE OF MOTION TO DISMISS PURSUANT TO**  
**FED. R. Civ. P. 12(b)(6)**

PLEASE TAKE NOTICE, that at a date and time to be set by the Court, before the Honorable Laura Taylor Swain, United States District Judge, at the United States Courthouse, 500 Pearl Street, Courtroom 17-C, New York, NY, 10007-1312, Defendant Fordham University, by and through its attorneys Jackson Lewis P.C., will move the Court pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for an Order dismissing Plaintiff's Amended Complaint in its entirety and with prejudice as a matter of law, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that in support of its motion, Defendant will rely on the enclosed: (1) Affirmation Of Jonathan M. Kozak, Esq., In Support Of Defendant's Motion To Dismiss and the exhibits attached thereto; (2) Affidavit of Stefano A. Terzulli In Support Of Defendant's Motion To Dismiss and the exhibit attached thereto; and (3) Defendant's Memorandum Of Law In Support Of Motion To Dismiss.

The undersigned certifies that the parties have complied with Rule 2(b)(i)(1) of the Individual Practices of Judge Laura Taylor Swain. Specifically, on July 17, 2020,

Defendant's counsel sent a letter to Plaintiff's counsel outlining the bases for a motion to dismiss that Defendant intended to file if Plaintiff did not agree to voluntarily withdraw and dismiss his Complaint. On July 22, 2020, counsel for the parties discussed defense counsel's July 17th letter, and Plaintiff's counsel advised that Plaintiff intended to file an amended Complaint. On July 27, 2020, Your Honor issued an Order setting a deadline of August 5, 2020 for Plaintiff to file an Amended Complaint, and giving Defendant a deadline of September 4, 2020 to Answer or file a motion to dismiss if Defendant still believed such a motion to be warranted.

Respectfully submitted,

JACKSON LEWIS P.C.  
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White Plains, NY 10601  
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By:



Jonathan M. Kozak  
Gregory T. Alvarez\*  
Isaac J. Burkner  
Michael J. Nesse\*

*ATTORNEYS FOR DEFENDANT*

Dated: September 4, 2020  
White Plains, New York

*\* Notice of Appearance to be filed*

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Defendant.

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**CERTIFICATE OF SERVICE**

This is to certify that, on September 4, 2020, a true and correct copy of Defendant's Notice Of Motion To Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) has been served via ECF and overnight mail on Plaintiff's counsel at the email address of record set forth below:

Philip L. Fraietta, Esq.  
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*Attorneys for Plaintiff*



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Jonathan M. Kozak